IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 22979 of 2004

Between:

C. Chandra Sekhar, s/o C. Akkulappa,
Aged about 42 years, FP shop dealer,

Jakkasamudram Village, Gorantla Mandal,
Ananthapur District.

..... PETITIONER

AND

1. The Mandal Revenue Officer,
Gorantla Mandal,
Anantapur District.
2. The Revenue Divisional Officer,
Penukonda, Anantapur District.
3. The Joint Collector (Civil Supplies),
Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus directing the 3rd Respondent to dispose of the Appeal Rc.No.1226/04 (K4) filed by the petitioner in pursuance of the orders of this

Honourable Court passed in W.P.No. 19683 of 2004 dated 28-10-2004.

Counsel for the Petitioner: MR.J.SREENIVASULU

Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

ORDER:

The authorization of the petitioner was suspended by the 2nd respondent through proceedings, dated 11.10.2004. Aggrieved thereby, he preferred an appeal before the 3rd respondent together with an application for grant of stay. On the ground that no orders have been passed either in the appeal or in the stay petition, petitioner filed W.P.No.19683 of 2004, in this Court. The writ petition was disposed of on 28.10.2004, directing the 3rd respondent to dispose of the appeal, within a period of four weeks from the date of receipt of a copy of the order. The complaint of the petitioner is that no orders have been passed so far by the 3rd respondent.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The grievance of the petitioner is that despite the directions issued by this Court, the 3rd respondent has not passed any orders so far, either in the stay petition or in the appeal. Strictly speaking, if the 3rd respondent has not complied with the directions of this Court, petitioner has to initiate Contempt Case against him. Though time was granted to the learned Government Pleader, he is not able to secure any instructions as to whether the appeal was disposed of at all, and if it is not disposed of, the reasons for the delay. Be that as it may, the petitioner cannot be penalized for inaction on the part of the 3rd respondent.

Hence, the writ petition is disposed of directing that the suspension of authorization ordered by the 2nd respondent shall stand stayed, pending disposal of the appeal by the 3rd respondent, and the petitioner shall be entitled to continue as fair price shop dealer during that period. No order as to costs.

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L.NARASIMHA REDDY, J

Dated : 21st December, 2004

Note: Office to furnish copy

by 22.12.2004

(B/o.)

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To

1. The Mandal Revenue Officer,
Gorantla Mandal,
Anantapur District.
2. The Revenue Divisional Officer,
Penukonda, Anantapur District.
3. The Joint Collector (Civil Supplies),
Anantapur District.

4. 2CCs to the Government Pleader for Civil Supplies, High Court of

A.P., High Court Buildings, Hyderabad.(O.U.T).

5. 2CD copies.